

*KEITH REED, ET AL vs.*  
*ALECTO HEALTHCARE SERVICES, LLC, ET AL*

*MARK GARAN*

*05/12/2022*



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**EXHIBIT 4**

<p>IN THE UNITED STATES DISTRICT COURT                  FOR THE NORTHERN DISTRICT OF WEST VIRGINIA</p> <p>*****</p> <p>KEITH REED, LISA DOLENCE,                  ELIZABETH SCHENKEL, EMILY WINES,                  MARK GARAN, and AUGUST ULLUM,                  individually and on behalf of others                  similarly situated,</p> <p>Plaintiffs,</p> <p>v. CIVIL ACTION NO.5:19-CV-263                  Judge Bailey</p> <p>ALECTO HEALTHCARE SERVICES, LLC,                  and ALECTO HEALTHCARE SERVICES WHEELING,                  LLC, d/b/a OHIO VALLEY MEDICAL GROUP                  and d/b/a OVMC PHYSICIANS,                  Defendants.</p> <p>*****</p> <p>VIDEOTAPED VIDEOCONFERENCING DEPOSITION of                  MARK GARAN, taken by the Defendants in the                  above-entitled action, pursuant to notice, before                  Twyla Donathan, Registered Professional Reporter and                  Notary Public, via Zoom Videoconferencing, on the                  12th day of May, 2022, beginning at 1:00 p.m.</p>	<p>Page 3</p> <p>C O N T E N T S</p> <p>EXAMINATION OF MARK GARAN PAGE                  By Ms. Thompson 6</p> <p>E X H I B I T S                  (Attached to the transcript)</p> <p>DESCRIPTION OF EXHIBITS PAGE</p> <p>Exhibit No. 1 Bates Defendants 33416 27</p> <p>Exhibit No. 2 Bates Defendants 82 Notice of 30                  Permanent Closure of Ohio                  Valley Medical Center</p> <p>Exhibit No. 3 Bates Defendants 6707, Email from 35                  Dan Dunmyer, August 7, 2019,                  Subject: Meeting earlier this                  evening</p> <p>Exhibit No. 4 Bates Defendants 6708 Employee 37                  Questions and Answers                  Regarding OVMC Closure</p> <p>Exhibit No. 5 Bates Defendants 6711 OVMC and 43                  EORH Make Difficult Decision                  to Begin Closure Process</p> <p>Exhibit No. 6 Garan Discovery Responses 48</p> <p>Exhibit No. 7 Bates Defendants 16769 Excel 50                  Spreadsheet</p> <p>Exhibit No. 8 Bates Defendants 93, Payroll 70                  Register Employee Detail,                  8/10/2019</p> <p>Exhibit No. 9 Bates Defendants 14789, Payroll 73                  Register Employee Detail,                  8/30/2019</p>
<p>Page 2</p> <p>A P P E A R A N C E S</p> <p>APPEARING FOR PLAINTIFFS:                  MAUREEN DAVIDSON-WELLING, ESQUIRE                  STEMBER COHN &amp; DAVIDSON-WELLING, LLC                  The Hartley Rose Building                  425 First Avenue, 7th Floor                  Pittsburgh, Pennsylvania 15219                  (412) 338-1445                  mdw@stembercohn.com</p> <p>F. ALEX RISOVICH, ESQUIRE                  RISOVICH LAW OFFICES, PLLC                  3023 Pennsylvania Avenue                  Weirton, West Virginia 26062</p> <p>APPEARING FOR DEFENDANTS:                  CHELSEA E. THOMPSON, ESQUIRE                  SPILMAN, THOMAS &amp; BATTLE, PLLC                  Spilman Center                  300 Kanawha Boulevard, East                  Post Office Box 273                  Charleston, West Virginia 25321-0273                  (304) 340-3800                  cthompson@spilmanlaw.com</p> <p>ALSO PRESENT:                  Greg Defibaugh, Legal Video Specialist</p>	<p>Page 4</p> <p>DESCRIPTION OF EXHIBITS PAGE</p> <p>Exhibit No. 10 Bates Defendants 834 Payroll 74                  Register Employee Detail,                  9/7/2019</p> <p>Exhibit No. 11 Bates Defendants 1177, Payroll 76                  Register Employee Detail,                  9/21/19</p>

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1 PROCEEDINGS  
2 VIDEOGRAPHER: This is the video  
3 deposition of Mark Garan in the matter of Reed, et  
4 al, vs. Alecto Healthcare Services, LLC, et al,  
5 Case No. 5:19-cv-263. Today's date is May 12th,  
6 2022, and the time is 9:13 a.m.  
7 My name is Greg Diefenbaugh, and I'm  
8 the certified legal video specialist. The court  
9 reporter is Twyla Donathan. At this time will  
10 counsel please introduce themselves and state who  
11 they represent.  
12 MS. WELLING: Maureen Davidson-Welling  
13 on behalf of the Plaintiffs, including Mr. Mark  
14 Garan.  
15 MR. RISOVICH: Alex Risovich on behalf  
16 of the Plaintiffs and Mr. Mark Garan.  
17 MS. THOMPSON: Chelsea Thompson on  
18 behalf of the Defendants. And we note we have no  
19 objection to the witness being sworn in remotely.  
20 MS. WELLING: And neither do the  
21 Plaintiffs.  
22 VIDEOGRAPHER: Would the court  
23 reporter please swear in the witness.  
24 (Witness duly sworn)

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1 MARK GARAN  
2 having been duly sworn, testified as follows:  
3 EXAMINATION BY COUNSEL FOR DEFENDANTS:  
4 BY MS. THOMPSON:  
5 Q Mr. Garan, we spoke briefly off the record,  
6 but my name is Chelsea Thompson, and I'm the lawyer  
7 that represents the Defendants in the lawsuit that  
8 we're here to talk about today. My first question is  
9 can you please say and spell your name, because I  
10 want to make sure that I'm going to be pronouncing it  
11 correctly.  
12 A My name is Mark Garan, M-A-R-K, G-A-R-A-N.  
13 Q Okay. Thank you for doing that, Mr. Garan.  
14 And before we jump into any questions about the  
15 lawsuit or what it's about, I wanted to lay the  
16 groundwork for both of us to know what this  
17 deposition will be like today. My first question is:  
18 Have you ever sat for a deposition before?  
19 A No.  
20 Q Okay. So the way that it works is I'll be  
21 asking you a series of questions, and you'll be  
22 providing your testimony under oath in response to  
23 those questions. In order to make sure we get a  
24 clean record, there is a couple of things we have to

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1 keep in mind. The first is that we have to try to  
2 let me finish my question before you answer, and I  
3 have to let you finish your answer before I start  
4 another question, so we're not talking over each  
5 other, okay?  
6 A Okay.  
7 Q The second is that we have to always answer  
8 verbally. You just nodded your head, and I know  
9 that's typical for conversations, but in order for  
10 the court reporter to take down our answers, you have  
11 to answer everything verbally. Do you understand?  
12 A Yes.  
13 Q Okay. And we are conducting this  
14 deposition by Zoom, which means there might be an  
15 Internet lag or the audio might go a little weird.  
16 So if there is ever a point where you cannot hear or  
17 understand a question, please stop me and I'll fix  
18 that for you, okay?  
19 A Okay.  
20 Q If I finish a question and then you answer  
21 it, I'll assume that you can hear me and that you  
22 understood my question. Does that sound fair?  
23 A Yes.  
24 Q I don't anticipate us being in a marathon

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1 today, but if there is a point where you would like  
2 to take a break, please just let me know and we'll  
3 make that happen. The only stipulation will be that  
4 if there is a question pending, you have to answer it  
5 before we take that break, all right?  
6 A Okay.  
7 Q Sir, are you on any medication that would  
8 affect your memory or affect your ability to answer  
9 truthful questions today?  
10 A No.  
11 Q Do you know of any other circumstance that  
12 would affect your memory today or be another -- any  
13 other reason that you wouldn't be able to give  
14 truthful testimony today?  
15 A No.  
16 Q What is your current address, sir?  
17 A 68 Finch Avenue, Wheeling, West Virginia.  
18 Q All right. How long have you lived at that  
19 address?  
20 A Since December 2018.  
21 Q Okay. Have you ever been a party to any  
22 other lawsuits besides the one we're here to talk  
23 about today?  
24 A No.

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1 Q Have you ever been convicted of a crime  
 2 that is a felony or involves dishonesty?  
 3 A No.  
 4 Q When did you first come to work at OVMC?  
 5 A April 2017.  
 6 Q And what position were you hired to  
 7 fulfill?  
 8 A Registered nurse.  
 9 Q And did you hold that same title throughout  
 10 your employment at OVMC?  
 11 A Yes.  
 12 Q What department did you first work at when  
 13 you came to OVMC in April of 2017?  
 14 A Telemetry care unit.  
 15 Q And what is telemetry care?  
 16 A It's a step-down unit that focuses on  
 17 people who are in continuous cardiac monitoring.  
 18 Q How long did you work in the telemetry  
 19 unit?  
 20 A Up until January of 2018.  
 21 Q And where -- what department did you move  
 22 to at that time?  
 23 A The intensive care unit.  
 24 Q Was that a change you had asked for?

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1 A Yes.  
 2 Q Why did you want to work in the ICU instead  
 3 of the telemetry unit?  
 4 A That's where I started off my nursing  
 5 career and where I truly wanted to be.  
 6 Q Did you work a regular shift whenever you  
 7 were in the ICU?  
 8 A I worked three days a week.  
 9 Q Okay. What days a week did you work and  
 10 what hours did you work while you were in the ICU?  
 11 A I worked 36 hours a week, and the days  
 12 would change regularly with our schedules.  
 13 Q And if there is three days a day week and  
 14 you worked 36 hours, I assume you're working a  
 15 12-hour shift?  
 16 A Correct.  
 17 Q Was that a day shift or a night shift?  
 18 A Both.  
 19 Q How would you find out what your shift was  
 20 going to be for any given week?  
 21 A Whenever we would fill out a schedule  
 22 according to our scheduler.  
 23 Q Would you create your schedule or was a  
 24 schedule provided to you saying when you would work?

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1 A We would fill it our ourselves.  
 2 Q So you would be able to say: I want to  
 3 work Monday, Tuesday, Wednesday of next week?  
 4 A It wasn't that simple.  
 5 Q Can you explain to me then how the process  
 6 was that you were able to have some input in your own  
 7 scheduling?  
 8 A There were different tiers. Some people  
 9 would schedule first in a group, and then the next  
 10 group, and then the next. And you had to fill in  
 11 your schedule according to the needs for that day.  
 12 Q Okay. Was there an option in ICU to work  
 13 anything other than a 12-hour shift?  
 14 A No.  
 15 Q Okay. And the time period I'm interested  
 16 in is when you were in the ICU. So if I don't  
 17 clarify moving forward, then I'm talking about your  
 18 employment in the ICU. That's the only time I'm  
 19 talking about. I'm not going to be asking any  
 20 questions about your time in the telemetry unit,  
 21 okay?  
 22 A Okay.  
 23 Q How many other RNs would you be working on  
 24 the same shift as?

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1 A It varied.  
 2 Q Okay. What was the -- I mean, was there --  
 3 was it -- Let me think how to ask this. In a typical  
 4 shift, were there more or less than five RNs working  
 5 that shift?  
 6 A Usually less.  
 7 Q Okay. Was there instances in which you  
 8 were the only RN working a particular shift?  
 9 A As the only bedside RN, yes, but there was  
 10 always a charge nurse as well that would be at our  
 11 desk.  
 12 Q And as I believe you phrased it, a bedside  
 13 nurse, correct?  
 14 A Yes.  
 15 Q As a beside nurse, what would your typical  
 16 job duties entail?  
 17 A Caring for patients, as well as their  
 18 families, monitoring the continuous drips that they  
 19 were on for sedation or blood pressure support,  
 20 monitoring the ventilator, and overall daily care of  
 21 patients, such as bathing, turning, passing their  
 22 scheduled medications.  
 23 Q Now, I assume that the number of patients  
 24 you were taking care of also varied from shift to

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1 shift; is that correct?  
 2 A Sometimes.  
 3 Q Do you know on average how many patients  
 4 you would be responsible for each shift?  
 5 A The ICU is typically two patients to one  
 6 nurse ratio.  
 7 Q Whenever you're completing your job duties  
 8 as a bedside nurse, what other employees of the  
 9 hospital were you interacting with on a daily basis?  
 10 A Nurse aides, respiratory therapists,  
 11 doctors.  
 12 Q And I believe -- I know they're not  
 13 employees, but I believe you said that you were  
 14 also -- had some job duties that involved the family  
 15 members of patients, correct?  
 16 A Correct.  
 17 Q Do you know how many registered nurses were  
 18 assigned to work in the ICU?  
 19 A I don't recall.  
 20 Q What other departments in the hospital that  
 21 you're aware of offer inpatient care besides the ICU  
 22 and telemetry units?  
 23 A There was the fifth floor that took  
 24 patients as well.

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1 Q Okay. Are you meaning the fifth, like,  
 2 floor of the building?  
 3 A Correct.  
 4 Q Okay. Do you know what care was provided  
 5 there or what those departments were that were on the  
 6 fifth floor?  
 7 A Generalized med surg.  
 8 Q And it sounds to me like the ICU was not on  
 9 the fifth floor?  
 10 A The ICU was on the third floor -- well,  
 11 third floor and the basement.  
 12 Q Okay. Do you know of any departments in  
 13 the hospital that provided outpatient care?  
 14 A Not that I recall. My focus was  
 15 particularly on the ICU.  
 16 Q Okay. And do you know of any departments  
 17 in the hospital that did not provide patient care,  
 18 maybe they were administrative or something like  
 19 that?  
 20 A My focus is primarily on the ICU.  
 21 Q I understand. So is the answer to your  
 22 question then, no, you don't recall any at this time?  
 23 A I would say I don't recall exact  
 24 departments.

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1 Q Whenever you were assigned to work in the  
 2 ICU, was there ever occasion where you would work in  
 3 another department as an RN?  
 4 A Yes.  
 5 Q Can you explain to me what departments you  
 6 worked in other than the ICU? And I'll focus in the  
 7 time period of 2019.  
 8 A We would get floated to the telemetry care  
 9 unit or the fifth floor.  
 10 Q How often would you get floated to either  
 11 the telemetry unit or the fifth floor?  
 12 A It varied.  
 13 Q If you were working three shifts a week,  
 14 would it be one of those three shifts -- let me  
 15 rephrase that. Was this something that happened on a  
 16 weekly basis?  
 17 A Very often, yes.  
 18 Q Would your job duties change if you were  
 19 floating to the fifth floor or to the telemetry unit?  
 20 A According to the acuity of the patient,  
 21 yes.  
 22 Q When you were completing your RN duties in  
 23 the departments in which you floated, did the  
 24 hospital employees that you interact with change?

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1 A Each floor had a different set of hired  
 2 nurses, so yes.  
 3 Q But you would still be interacting  
 4 primarily with nurses and I believe you said doctors?  
 5 A Yes.  
 6 Q Okay. Whenever you were working in the  
 7 ICU, who was your direct supervisor?  
 8 A At first her name was Anita Howard and then  
 9 it changed to Cindy Bruno.  
 10 Q Do you know when the change happened  
 11 between Ms. Howard and Ms. Bruno?  
 12 A I don't.  
 13 Q Do you know either of their job titles?  
 14 A They were the manager of the ICU.  
 15 Q When you floated to other departments, was  
 16 there a separate different manager for that  
 17 department?  
 18 A I know on the TCU, Cindy Bruno was the  
 19 manager as well. And I don't know about the fifth  
 20 floor.  
 21 Q TCU, is that telemetry?  
 22 A Yes, that's the telemetry care unit.  
 23 Q Yes. Thank you. I believe in some of your  
 24 discovery you also identified a person named Becky

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1 Applegate as a potential supervisor. Do you know  
2 who -- can you tell me who Becky Applegate is?  
3 A She was the one who hired me on the  
4 telemetry care unit. She retired shortly after.  
5 Q Okay. So she never supervised you in the  
6 ICU; is that correct?  
7 A Correct.  
8 Q Okay. Were nurses from other departments  
9 floating into the ICU?  
10 A No.  
11 Q Do you know why it is ICU RNs were floated  
12 to other departments but other departments didn't  
13 float into the ICU?  
14 A It's a different level of nursing.  
15 Q Can you explain that to me? I'm not a  
16 nurse, so can you explain it as well as you can?  
17 A So when it comes to the ICU, it's intensive  
18 care. The acuity of the patients is much more great.  
19 They're sicker than other floors. Nurses on other  
20 floors cannot come to the ICU to manage ventilators  
21 or certain drips that patients would be on for  
22 sedation or blood pressure support.  
23 Q Okay. So would it be fair to say that  
24 there were certain job duties particular to an RN in

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1 the ICU that not every RN in the hospital was  
2 qualified to perform?  
3 A That is correct.  
4 Q Okay. Now I'm going to limit this to 2019.  
5 Do you remember working overtime at any point?  
6 A I do not.  
7 Q To your knowledge, were you paid the same  
8 rate whether you were working in the ICU or floating  
9 into any other department?  
10 A Yes.  
11 Q And I know you had explained the scheduling  
12 process. If there had been a problem with the  
13 schedule or you had a question about a schedule, was  
14 Cynthia Bruno the person you would have gone to in  
15 the ICU to address that or ask questions?  
16 A The schedule is delegated to our charge  
17 nurse, Carol Moscato.  
18 Q Okay. Was Carol Moscato the person you  
19 would have gone to if you had a question about your  
20 schedule?  
21 A Correct.  
22 Q Do you know what your -- well, let me ask  
23 this first. At the end of your employment at OVMC,  
24 were you a salaried employee or hourly employee?

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1 A Hourly.  
2 Q Do you remember what your hourly wage was  
3 when your employment ended?  
4 A I don't recall the exact number.  
5 Q Okay. As an hourly employee, would you had  
6 to have clocked or swiped in?  
7 A That is correct.  
8 Q Was that something that was done with a  
9 swipe and a card or logged in on a computer?  
10 A We had areas that you swiped in with a  
11 card.  
12 Q Do you remember the name of the timekeeping  
13 program that the hospital used?  
14 A I do not.  
15 Q Did you have health insurance for your  
16 employment at OVMC?  
17 A I did.  
18 Q When did that begin?  
19 A Upon my hire.  
20 Q Do you know what date your coverage of that  
21 health insurance that came through your employment at  
22 OVMC ended?  
23 A I do not recall.  
24 Q Do you recall if you received any health

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1 services in August or September or October of 2019?  
2 A It was very hard to get in with doctors at  
3 that point.  
4 Q Okay. But that doesn't -- Is your answer  
5 then, no, you do not remember, or no, you did not get  
6 them?  
7 A I did not get certain appointments that I  
8 tried to make.  
9 Q To your knowledge, did you have any denials  
10 of benefits or coverage for that time period of  
11 August through October of 2019?  
12 A Other than doctors not being able to see  
13 me.  
14 Q Okay. Which is, to be clear, that wasn't  
15 an insurance issue, that was a doctor scheduling  
16 issue, correct?  
17 A It was an issue due to the fact that they  
18 were no longer seeing patients while we were  
19 supposedly still a hospital.  
20 Q Okay. Could you have gotten your medical  
21 care from any other provider outside of OVMC?  
22 MS. WELLING: Object to form.  
23 A No.  
24 Q Your health insurance is limited to



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**1 physicians who were at OVMC?**  
 2 A I was established with physicians at OVMC.  
 3 **Q I understand you were established, but in**  
 4 **order -- you could have sought medical services from**  
 5 **a new doctor that was not at OVMC?**  
 6 MS. WELLING: Object to form.  
 7 A Not in the time frame that I had my  
 8 insurance, no.  
 9 **Q Okay. But you don't remember when your**  
 10 **insurance ended?**  
 11 A I do not recall the exact date.  
 12 **Q Okay. Did you have dental or vision**  
 13 **insurance through your employment at OVMC?**  
 14 A I did not.  
 15 **Q Okay. Were those offered to you and you**  
 16 **turned them down, or were they not offered to you?**  
 17 A They were offered to me --  
 18 **Q Okay -- I'm sorry, go ahead.**  
 19 A I just did not accept the vision. I might  
 20 have accepted the dental. I don't recall.  
 21 **Q Okay. So sitting here, you cannot recall**  
 22 **if you had dental insurance through your employment**  
 23 **at OVMC?**  
 24 A I can't recall exactly. I know for sure

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1 that I did not have vision at that time.  
 2 **Q Okay. I won't ask you any questions about**  
 3 **the dental insurance since you don't remember. Do**  
 4 **you remember if you had any other types of insurance**  
 5 **through your employment at OVMC?**  
 6 A No.  
 7 **Q Okay. Do you remember if you had a**  
 8 **flexible spending account through your employment at**  
 9 **OVMC?**  
 10 A I did not.  
 11 **Q Do you remember if you had a 401(k) plan**  
 12 **through your employment at OVMC?**  
 13 A I believe it was 401(k), yes.  
 14 **Q Did you have any company-provided cell**  
 15 **phone or laptop or iPad?**  
 16 A No.  
 17 **Q Did you have any other equipment that the**  
 18 **company issued to you?**  
 19 A No.  
 20 **Q Did you have a work email address?**  
 21 A I did.  
 22 **Q Do you remember what that address was?**  
 23 A I do not recall.  
 24 **Q Would part of your job duties include**

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**1 checking your work email address?**  
 2 A Yes.  
 3 **Q How often do you remember checking your**  
 4 **work email address?**  
 5 A I do not recall.  
 6 **Q Did you seek unemployment in August or**  
 7 **September of 2019?**  
 8 A I did not.  
 9 **Q Okay. And why not?**  
 10 A I was seeking other opportunities of  
 11 employment.  
 12 **Q Okay. Where do you currently work, sir?**  
 13 A WVU Medicine Wheeling Hospital.  
 14 **Q When did you start working there?**  
 15 A September of 2019.  
 16 **Q Do you remember a specific date?**  
 17 A I remember the time frame, but I don't  
 18 remember the specific date.  
 19 **Q Okay. Fair enough. Did you have an**  
 20 **interview before you were hired in September of 2019**  
 21 **at WVU Medicine Wheeling Hospital?**  
 22 A Correct.  
 23 **Q Do you know when that interview occurred?**  
 24 A I don't remember the exact date.

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**1 Q Do you remember if it was in September or**  
 2 **could it have been in August?**  
 3 A I don't remember the exact date.  
 4 **Q Okay. Do you remember if you submitted an**  
 5 **application for a job at WVU Medicine in Wheeling?**  
 6 A I did submit an application, yes.  
 7 **Q Was that paper or electronic?**  
 8 A It was electronic.  
 9 **Q Do you remember the date that you submitted**  
 10 **that application?**  
 11 A I don't remember the exact date.  
 12 **Q Did you do it through the hospital's**  
 13 **website or did you do it through like a job search,**  
 14 **like an Indeed or a Monster.com?**  
 15 A It was through Wheeling Hospital's website.  
 16 **Q I know you can't remember dates. Let me**  
 17 **ask it this way. Do you remember how much time**  
 18 **passed between you putting in an application and you**  
 19 **receiving an interview?**  
 20 A I don't really recall the time frame, no.  
 21 **Q Okay. And I'll ask the same question. Do**  
 22 **you recall how much time passed between you having an**  
 23 **interview and you either getting a job offer or**  
 24 **accepting the job offer at WVU Medicine?**

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1 A I don't remember the exact time frame.  
 2 Q Understood. At or around that time, did  
 3 you put in applications anywhere else?  
 4 A I did.  
 5 Q Where else did you submit applications to  
 6 in that -- we'll say September 2019 time frame?  
 7 A Good Shepherd Nursing Home.  
 8 Q All right. Is that located in Wheeling?  
 9 A It is.  
 10 Q All right. Any other place you recall?  
 11 A Those are the only two that come to memory.  
 12 Q Okay. The Good Shepherd Nursing Home, was  
 13 that a paper application or an electronic  
 14 application?  
 15 A That I believe was a paper application.  
 16 Q And do you recall when that paper  
 17 application was submitted to Good Shepherd?  
 18 A I do not.  
 19 Q Do you remember if it was before or after  
 20 you submitted the electronic application to WVU  
 21 Medicine?  
 22 A I can't say whether it was before or after.  
 23 Q Okay. Do you remember what your starting  
 24 wage was when you started at WVU Medicine?

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1 A It was either 27 or \$28 an hour.  
 2 Q Okay. And are you employed at WVU Medicine  
 3 as an RN?  
 4 A Yes.  
 5 Q And do you work in a particular department  
 6 there?  
 7 A I work in the intensive care unit.  
 8 Q Have you done that through your entire  
 9 career at WVU Medicine?  
 10 A Yes.  
 11 Q Okay. How did you first learn that OVMC  
 12 was going to be closing?  
 13 A It first came by word of mouth through  
 14 other employees.  
 15 Q Do you remember who first told you the name  
 16 of that employee?  
 17 A No, I don't recall.  
 18 Q Do you remember when you first learned  
 19 about the hospital was going to close?  
 20 A I was -- I don't remember the exact time,  
 21 but it was early 2019.  
 22 Q Early 2019. So did you know the hospital  
 23 was going to close before August of 2019?  
 24 A It was just speculation.

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1 Q Okay. So let me ask this. At what point  
 2 did you become aware that it was no longer  
 3 speculation and the hospital actually was going to  
 4 close?  
 5 A It was in August of 2019.  
 6 Q Do you remember how you came to know that  
 7 the hospital was actually going to close?  
 8 A I remember there was a piece of mail that  
 9 we received, stating that it would be closing.  
 10 Q Okay. Let me do this. I'm going to  
 11 introduce my first exhibit, Mr. Garan.  
 12 A Okay.  
 13 Q The process can be a little clunky, so bear  
 14 with me for a second. Exhibit 1 is going to be Bates  
 15 No. Defendants 33416. Once I get this up, sir, I'll  
 16 share my screen with you so that we can look at the  
 17 same thing, if my computer decides to work.  
 18 All right. I'm going to share my screen  
 19 with you, sir. And you let me know when you see what  
 20 looks like the start of an email, okay?  
 21 (Exhibit No. 1 was identified, marked for  
 22 identification, and shared to the screen.)  
 23 A Yes, ma'am.  
 24 Q Do you see that?

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1 A I do.  
 2 Q Okay. So at the top it says: "To All Mail  
 3 Users," correct?  
 4 A Correct.  
 5 Q Okay. Go ahead and read through this  
 6 email, and when you're done I'll scroll down so you  
 7 can read the bottom part of it, and then when you're  
 8 done reading it in its entirety, we'll talk about it,  
 9 okay?  
 10 A Okay.  
 11 Q All right. At the bottom you can read, if  
 12 you want, it's the signature line in the  
 13 confidentiality notice, if you want to read that.  
 14 A Okay.  
 15 Q Okay. I'm going to scroll back up to the  
 16 body. My first question is: Do you recall receiving  
 17 this email before?  
 18 A Now that I see it, I do recall.  
 19 Q Okay. Do you remember whether or not you  
 20 attended the meeting that it references at 5:30 p.m.  
 21 on Wednesday, the seventh of August, 2019?  
 22 A I did not attend that meeting.  
 23 Q Did you know that it was going to happen  
 24 and chose not to attend?



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1 A I don't know the reason.  
2 Q Okay. Let me break that down then. Did  
3 you know the meeting was going to happen before it  
4 happened?  
5 A It seems as though I knew it was going to  
6 happen due to this email.  
7 Q Okay. It also lists some dates and times  
8 for employee forums, several at OVMC and several at  
9 EORH. Do you recall whether you attended any of  
10 these employee forums that are listed?  
11 A I did not.  
12 Q Do you know why you didn't attend any of  
13 those employee forums?  
14 A I do not.  
15 Q Okay. I'm going to stop sharing my screen.  
16 I'll ask here. I know you couldn't  
17 remember your email address. It says here that it is  
18 to "All Mail Users," and then it has the brackets,  
19 says "AllMailUsers@OVRH.org." Would your email  
20 address have also been @OVRH.org?  
21 A I believe it may have been.  
22 Q Okay. Do you remember if the beginning of  
23 it had part of your name in it?  
24 A I don't know the exact answer.

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1 Q Okay. That's fine. All right. I'm going  
2 to stop sharing my screen. You had mentioned that  
3 you got something in the mail. I want to show you  
4 something and see if that's what you were talking  
5 about, okay?  
6 A Okay.  
7 Q Exhibit 2 is going to be Bates number  
8 Defendants 82, and I'm going to share my screen with  
9 you, sir.  
10 (Exhibit No. 2 was identified, marked for  
11 identification, and shared to the screen.)  
12 Let me know when you see a paper that has  
13 the OVMC header on it.  
14 A I do.  
15 Q Okay. I'm going to scroll down, and you  
16 let me know when you've read what you see, and I will  
17 scroll down some more.  
18 A Okay.  
19 Q I'll scroll down.  
20 A Okay.  
21 Q I believe that's the end. Let's just go  
22 and make sure. Yes, sir. Okay.  
23 Did you receive a copy of this letter?  
24 A I did.

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1 Q And did you receive it in the mail?  
2 A I did.  
3 Q Did you read it whenever you received it?  
4 A Yes.  
5 Q What is the date of this letter?  
6 A August 8th, 2019.  
7 Q And it has at the top a sort of title, it  
8 says, "Renotice of Permanent Closure of Ohio Valley  
9 Medical Center," correct?  
10 A Uh-huh.  
11 Q And then it says, "Dear employees,"  
12 correct?  
13 A Correct.  
14 Q The first sentence states that they will be  
15 permanently closing the hospital and its related  
16 facilities and then lists an address. Are you aware  
17 of what related facilities it's talking about?  
18 A The only thing that comes to mind is East  
19 Ohio Regional Hospital.  
20 Q I guess a better question is: Does the  
21 hospital have satellite offices or clinics in other  
22 places besides this particular address in Wheeling?  
23 MS. WELLING: (inaudible)  
24 (The court reporter asked for

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1 clarification from counsel.)  
2 MS. WELLING: I objected to form.  
3 (The court reporter restated the  
4 question for the deponent.)  
5 A And I do not recall if there was.  
6 Q After you received and read this letter,  
7 did you understand that the hospital was going to be  
8 closing?  
9 A Yes.  
10 Q Did you understand that the entire hospital  
11 was going to be closing?  
12 A I don't understand the question.  
13 Q After you read and received this letter,  
14 did you understand that the hospital would be closing  
15 entirely, or did you think that it was only a partial  
16 closure?  
17 MS. WELLING: Object to form. You can  
18 answer.  
19 A According to this letter, it appears that  
20 it is stating that the hospital itself and related  
21 facilities would be closing, yes.  
22 Q Did you -- After reading and receiving this  
23 letter, did you understand that the closure of the  
24 hospital was going to be permanent?

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1 A Yes. It appears that it would be  
2 permanently closed.  
3 Q Did you understand after you received this  
4 letter that the scheduled date for that closure of  
5 the hospital was October 7th, 2019?  
6 A That's what it states in the letter.  
7 Q The last sentence of the first paragraph  
8 states that you will not be scheduled to work after  
9 that date. My question for you is. After you read  
10 and received this letter, did you understand that you  
11 would not work at OVMC after October 7, 2019?  
12 A That's what the letter states.  
13 Q I know what the letter states. I want to  
14 know if you understood.  
15 A It's pretty clear, yes.  
16 Q Okay. At the bottom it lists out a few --  
17 a contact person with an address and a phone number  
18 if you have any further questions. Do you recall  
19 whether you reached out to Dan Dunmyer at any point  
20 to ask any questions about this letter?  
21 A I personally did not.  
22 Q Okay. Do you remember if you reached out  
23 to Dan Dunmyer about the closure of the hospital  
24 generally?

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1 A I personally did not reach out to Dan  
2 Dunmyer.  
3 Q Okay. And then you had testified earlier  
4 that you did have health insurance through your  
5 employment at OVMC. The third paragraph here that's  
6 in the middle states that:  
7 "Your coverage will continue through the  
8 end of the month in which you are terminated. After  
9 that date, you will be eligible to continue coverage  
10 pursuant to your rates under COBRA."  
11 Do you remember if you elected COBRA  
12 coverage?  
13 A No, I did not, because it was significantly  
14 higher out-of-pocket pay.  
15 Q Do you remember the time period in which  
16 you declined COBRA coverage?  
17 A I never specifically denied it.  
18 Q Do you remember receiving anything in the  
19 mail about when your health insurance coverage would  
20 end or options about COBRA?  
21 A The only thing that I can recall now is  
22 that this letter stated it.  
23 Q Okay. I'm going to stop sharing my screen  
24 I believe we're done with that one. I want to show

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1 you another email. It will be Exhibit 3, which is  
2 Defendants 6707, so we can talk about it. Let me  
3 pull it up, Mr. Garan.  
4 Well, let me start with this. After you  
5 received this letter, did you reach out to anybody  
6 besides Dan Dunmyer about the closure of the  
7 hospital?  
8 A Not that I recall.  
9 Q Do you remember if you spoke about that  
10 letter to anybody?  
11 A I don't remember speaking about that  
12 specific letter, no.  
13 Q Okay. Do you remember the date you  
14 received that letter?  
15 A I believe the letter stated that it was  
16 sent on August 8th. As far as the date I  
17 personally received it, I do not know.  
18 Q Okay. I'm going to share my screen with  
19 you, sir. Bear with me. Let me know when you see an  
20 email up, okay?  
21 (Exhibit No. 3 was identified, marked for  
22 identification, and shared to the screen.)  
23 A I do see an email.  
24 Q Okay. Go ahead and read that. And

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1 whenever you're done, I can scroll down. There is  
2 nothing but the certificate. We can talk about it  
3 when you're done.  
4 A Okay.  
5 Q Okay. And then if you want to read the  
6 bottom, it's the same confidentiality notice and  
7 signature line, but let me know when you're ready to  
8 talk about it.  
9 A Okay.  
10 Q Okay. Do you remember receiving this  
11 email?  
12 A I do not remember this email particularly.  
13 Q Okay. This is also dated August 7th of  
14 2019, correct?  
15 A Correct.  
16 Q And it is from Dan Dunmyer. I think he's  
17 listed as the CEO; is that right?  
18 A I believe.  
19 Q I couldn't hear you. I'm sorry.  
20 A I believe he is the -- he was the CEO, yes.  
21 Q Okay. And then the recipients is the All  
22 Mail Users LISTSERV, correct?  
23 A Correct.  
24 Q Okay. Do you remember receiving any

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**1 Employee Frequently Asked Questions?**  
2 A I do not.  
3 Q All right. Let me show them to you and see  
4 if that refreshes your memory.  
5 A Okay.  
6 Q Bates No. Defendants 6708.  
7 Okay. Let me know when you see something  
8 that has the headers of EORH and OVMC.  
9 (Exhibit No. 4 was identified, marked for  
10 identification, and shared to the screen.)  
11 A I see it.  
12 Q Okay. You can read through it in its  
13 entirety. My first question though is: Do you  
14 remember seeing a document like this?  
15 A I'm trying to think back, and I do not  
16 personally remember. It looks familiar, but I can't  
17 say for sure.  
18 Q Okay. Let's try it this way. Let's do  
19 this first. This is the bad part of a Zoom  
20 deposition, because I have to pull things and include  
21 them. I'm going to bring up the email we first  
22 talked about, which is Exhibit 1 and Bates No. 33416.  
23 And I'll have you look at it again really quickly as  
24 soon as it comes up.

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1 All right. You can review this again if  
2 you want, but if I recall, you testified that you did  
3 remember receiving this email, correct?  
4 A Yes.  
5 Q Okay. And here, this is an email that says  
6 "to," and then it lists All Mail Users, and then it  
7 lists the actual address as AllMailUsers @OVRH.org,  
8 correct?  
9 A Um-hm -- yes.  
10 Q That's okay. You're good. And then that  
11 is the recipient.  
12 And then I'll switch to Exhibit 3 really  
13 quickly, which is Bates No. 6707. It would be so  
14 much easier if I could just show you the two papers  
15 at the same time, wouldn't it?  
16 All right. Here's the email that we were  
17 just talking about. This email is going to the same  
18 address, correct? AllMailUsers@OVRH.org, correct?  
19 A That is correct.  
20 Q Okay. So I'm going to stop and move back  
21 to the employee list of questions and see if we can  
22 talk about some of that information. I'm going to  
23 pull up Exhibit 4 again and share my screen so that  
24 you can read it in its entirety, sir.

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1 A Okay.  
2 Q I'm going to scroll down.  
3 A Okay.  
4 Q I don't know why there is a big space  
5 there, there just is.  
6 A Okay.  
7 Okay.  
8 Q There's a little more.  
9 A Okay.  
10 Q And that's the bottom of the document.  
11 A Okay.  
12 Q Okay. Having read this through completely  
13 now, does this refresh your memory if you ever  
14 received this document?  
15 A Yes, I remember reading through this  
16 document prior.  
17 Q Okay. Do you remember how you received  
18 this document?  
19 A I do not remember, no.  
20 Q Okay.  
21 A I don't know if it was via email or through  
22 the mail.  
23 Q I understand. I'll represent to you this  
24 was an attachment to the Exhibit 3 email that we

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1 discussed.  
2 A Okay.  
3 Q But if you don't remember, that's  
4 completely fine. This document asks a question.  
5 I've scrolled down -- Is my screen being shared? Can  
6 you see this?  
7 A Yes, I can.  
8 Q Okay. They didn't number the questions and  
9 answers, which is annoying, but there is a question  
10 that says. "Is it certain that the hospital will  
11 close on October 7, 2019?"  
12 And it states: "No, if a viable buyer  
13 comes forward, that date will be pushed back or even  
14 canceled." Did I read that correctly?  
15 A Yes.  
16 Q Okay. My question to you is: Do you have  
17 any personal knowledge of any efforts to find a buyer  
18 or investor for OVMC?  
19 A No, I don't know anything personally that  
20 was official, no.  
21 Q Can you explain that, because you qualified  
22 your answer. What do you mean by "official"?  
23 A The only thing that we ever heard about  
24 possible buyers was just hearsay and rumors from

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1 other employees.  
2 **Q Okay. Sorry. Just bear with me while I'm**  
3 **thinking. I'm going to stop sharing my screen for**  
4 **just a second.**  
5 MS. THOMPSON: I'm going to need to  
6 take a break. My Zoom is acting up. I'm sorry.  
7 It's not working right. Can we take a five-minute  
8 break, please, off the record?  
9 VIDEOGRAPHER: The time is 10:03.  
10 We're going off the record.  
11 (A recess was taken.)  
12 VIDEOGRAPHER: The time is 10:09.  
13 We're back on the record.  
14 BY MS. THOMPSON:  
15 **Q Mr. Garan, do you understand that your**  
16 **testimony is still under oath even though we took a**  
17 **break?**  
18 A Yes.  
19 **Q Okay. I thought of something. We had**  
20 **talked earlier about how you would sometimes float to**  
21 **other departments besides the ICU, correct?**  
22 A Correct.  
23 **Q Okay. What would cause you to float to**  
24 **another department rather than work in the ICU?**

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1 A Too many nurses, not enough patients in the  
2 ICU.  
3 **Q Okay. Was there ever an instance in which**  
4 **you were sent home because there were too many**  
5 **patients in the ICU -- well, because there were too**  
6 **many nurses in the ICU and not enough patients?**  
7 A Yes.  
8 **Q How often did that happen?**  
9 MS. WELLING: Object to form.  
10 BY MS. THOMPSON:  
11 **Q I'll rephrase my question. In 2019, do you**  
12 **recall how often you were sent home from work because**  
13 **there were too many nurses and not enough patients in**  
14 **the ICU?**  
15 A I don't recall how many times.  
16 **Q Let's limit it to the same 2019 period, but**  
17 **do you recall if this was happening on a monthly**  
18 **basis or a weekly basis?**  
19 A I don't really recall the exact time,  
20 because there was also times where I wasn't able to  
21 come into work at all, was told to stay home.  
22 **Q Was that prior to August of 2019?**  
23 A It started to happen around the beginning  
24 of 2019.

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1 **Q Who was the person that would contact**  
2 **you -- well, let me phrase it this way. How would**  
3 **you learn that you were going to be floating or**  
4 **staying home for a particular shift that you had**  
5 **signed up for?**  
6 A Whoever the charge nurse was the previous  
7 shift.  
8 **Q Okay. Would they contact you or would you**  
9 **show up at work?**  
10 A They would contact me if I were to stay  
11 home, and if I were to float they would let me know  
12 when I showed up to work.  
13 **Q Do you remember receiving a press release**  
14 **related to the closure of OVMC?**  
15 A I do not remember receiving one.  
16 **Q Okay. Let me bring it up for you then.**  
17 **Exhibit 5 is going to be Bates No. Defendants 67011**  
18 **(sic). I'm going to share my screen with you, sir,**  
19 **and let me know when you see a document that has the**  
20 **EORH and OVMC headers.**  
21 (Exhibit No. 5, Bates Defendants 6711, was  
22 identified, marked for identification, and shared to  
23 the screen.)  
24 A I do.

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1 **Q Okay. Read through this, and I'll scroll**  
2 **down when you're ready.**  
3 A Okay.  
4 Okay.  
5 Okay.  
6 **Q There's a second page. Let me let it load.**  
7 **Now it's the second page.**  
8 A Okay.  
9 **Q Have you finished it, sir?**  
10 A Yes.  
11 **Q Okay. Having read this, does this refresh**  
12 **your recollection of you ever receiving this**  
13 **document?**  
14 A I have read this document before, yes.  
15 **Q Okay. Do you remember when you received it**  
16 **or when you read it?**  
17 A I do not recall.  
18 **Q I'm going to scroll up really quickly, a**  
19 **couple different parts. First, this press release is**  
20 **dated August 7 of 2019, correct?**  
21 A Correct.  
22 **Q And I'll represent to you that this is the**  
23 **second email attachment to the email from Dan Dunmyer**  
24 **that we looked at on August 7th that evening. It**

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1 states here that the hospital has sustained losses of  
 2 more than 37 million over the past two years.  
 3 My question for you is: Do you have any  
 4 personal knowledge about the financial condition of  
 5 OVMC in 2019?  
 6 A No, I do not.  
 7 Q Were you aware that the hospital was having  
 8 any sort of financial problems?  
 9 A I did not.  
 10 Q I believe you testified earlier that there  
 11 had been some -- well, let me back up -- strike that.  
 12 Were you aware that the hospital was  
 13 seeking investment or a potential purchaser in 2019?  
 14 MS. WELLING: Object to form. You can  
 15 answer.  
 16 A Not officially. Only through rumors and  
 17 hearsay from other employees.  
 18 Q Who did you talk to that about whether or  
 19 not OVMC was looking for a buyer or an investor?  
 20 MS. WELLING: Object to form. You can  
 21 answer.  
 22 A I do not recall specifically.  
 23 Q Okay. Did you personally participate in  
 24 any efforts to try and find a purchaser or investor

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1 for OVMC?  
 2 A I did not.  
 3 Q Okay. Would any of your job duties as an  
 4 RN involve billing or collections for patient  
 5 services that you provided?  
 6 A No.  
 7 Q Do you know who would have handled that  
 8 aspect of the hospital's business?  
 9 A The financial department.  
 10 Q In 2019 did you notice any changes in the  
 11 patient numbers in the ICU?  
 12 A Yes.  
 13 Q What changes did you notice?  
 14 A We had a significant decline in the amount  
 15 of patients that we had regularly.  
 16 Q Okay. Sorry to interrupt you. Was there  
 17 something else?  
 18 A No, I was just saying there was a  
 19 significant decline on the regular.  
 20 Q When you mean "on the regular," can you  
 21 explain that a little bit more?  
 22 A On a week-by-week basis, we did not have  
 23 many patients in our ICU.  
 24 Q Okay. Do you know when that decrease

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1 started to occur?  
 2 A In the beginning of 2019.  
 3 Q Was that before August of 2019?  
 4 A Correct.  
 5 Q In your role as an RN, do you deal with any  
 6 patients' insurance or payment options?  
 7 A I do not.  
 8 Q I'm going to scroll down here. It says  
 9 here that the hospital struggled to overcome  
 10 declining volumes, declining reimbursement, and  
 11 substantial harm caused by conduct in a particular  
 12 lawsuit.  
 13 We had talked about your knowledge about  
 14 patients. Did you have any personal knowledge about  
 15 any declining reimbursement at OVMC in 2019?  
 16 A I did not.  
 17 Q Do you know what the reference to  
 18 "substantial harm" is in this paragraph?  
 19 A I do not.  
 20 Q I'm going to scroll down one more time,  
 21 sir. Says here that "despite exhaustive efforts to  
 22 identify a strategic partner or buyer for OVMC and/or  
 23 EORH, which includes discussions with more than 15  
 24 different national, regional, and local healthcare

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1 systems or providers," my question is: Are you aware  
 2 of who any of these 15 providers would have been?  
 3 A I do not.  
 4 Q Okay. I'm going to stop sharing my screen.  
 5 What was the date that your employment at  
 6 OVMC ended?  
 7 A I don't remember the exact date, only that  
 8 it was in the first week of September 2019.  
 9 Q Okay. What do you remember -- I'm sorry,  
 10 go ahead.  
 11 A The first or second week in the beginning  
 12 of September 2019.  
 13 Q Okay. I can bring it up -- I'll bring it  
 14 up here. I'm going to introduce as Exhibit 6 your  
 15 written discovery responses so we can talk about  
 16 something you put in there. And I'm going to be  
 17 specifically looking at Request for Admission No. --  
 18 I think 7.  
 19 Okay. I'm going to share my screen with  
 20 you, sir.  
 21 (Exhibit No. 6 was identified, marked for  
 22 identification, and shared to the screen.)  
 23 A Okay.  
 24 Q First, actually, let me scroll to the top.



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1 I'll show you and represent to you -- you can read  
2 the entire thing if you want, but these are the  
3 discovery responses that you and your counsel  
4 submitted to us in response to certain requests for  
5 information and documents in this case.  
6 Do you remember going -- answering some  
7 discovery in this case?  
8 A Yes.  
9 Q Okay. I'm not going to ask you a question  
10 about a lot of it -- because there's a lot, but I'm  
11 going to go down here to Request for Admission No. 7  
12 and have you read it and your answer, and then I'm  
13 going to ask you a question about it.  
14 There it is. Go ahead and read it and let  
15 me know.  
16 A Okay.  
17 Q Okay. My question is -- to you is that:  
18 Do you know if you worked at the hospital on -- and  
19 by worked, I mean go in, clock in, conduct work, on  
20 September 13th of 2019?  
21 A I can't recall if I was there on that exact  
22 date.  
23 Q Let's try it this way. Do you remember how  
24 you notified Charge Nurse Bruno that you were taking

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1 a nursing position elsewhere?  
2 A I don't recall whether it was person-to-  
3 person or via text message or phone call.  
4 Q Do you remember any substance to the  
5 conversation that you may have had with Charge Nurse  
6 Bruno when you informed her you were taking a nurse  
7 position elsewhere?  
8 A Not that specific conversation.  
9 Q Do you remember whether you clocked in and  
10 worked any hours at OVMC in September of 2019?  
11 A I did.  
12 Q Do you remember what day that occurred?  
13 A I do not recall the exact days.  
14 Q I'm going to stop sharing my screen and  
15 introduce Exhibit No. 7, which is going to be Bates  
16 No. Defendants 16796 (sic). Have you ever heard of a  
17 company called JBDev, sir?  
18 A Hm-um. It does not ring a bell.  
19 Q That's okay.  
20 We'll produce this natively as an Excel  
21 spreadsheet so it takes longer to load. Bear with  
22 me. All right. I'm going to share my screen with  
23 you, sir.  
24 (Exhibit No. 7, Bates 16769, was

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1 identified, marked for identification, and shared to  
2 the screen.)  
3 A Okay.  
4 Q Now, I'll represent to you that what you're  
5 looking at is a document that was provided to us by  
6 JBDev, who is the software company that does the  
7 timekeeping at OVMC.  
8 A Okay.  
9 Q I'll explain to you what we're looking at  
10 so we're all on the same page. If you look at the  
11 bottom, the tab I'm in has a date range.  
12 A Uh-huh.  
13 Q 08/25/2019 to 9/8/2019, okay? So this  
14 spreadsheet has a lot of days, but this is the time  
15 period we're looking at.  
16 A Okay.  
17 Q Scroll up to the top. The section that I  
18 am interested in here is this column here,  
19 highlighted. This is the day, the clock-in time and  
20 the clock-out time, and then the consecutive work  
21 length. Do you see what I'm looking at there?  
22 A I do.  
23 Q Okay. So I'm going to -- There's all  
24 employees in here. I'm going to do a quick search so

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1 we can just get to your name, and I will highlight  
2 the rows that have your name there, sir. Do you see  
3 where I've sort of highlighted the ones that have  
4 your name?  
5 A I do.  
6 Q Okay. So according to this, it looks to me  
7 that on the 4th of September you clocked in and  
8 worked; is that correct?  
9 MS. WELLING: Object to form.  
10 A Yes, that looks like it is correct.  
11 Q Do you have any reason to dispute that you  
12 clocked in and worked at OVMC on the 4th of  
13 September, 2019?  
14 A I do not.  
15 Q Okay. According to this report, it looks  
16 like you clocked in and worked at OVMC on the 5th of  
17 September of 2019, correct?  
18 A Correct.  
19 Q Do you have any reason to dispute that  
20 those are the hours that -- strike that. Do you have  
21 any reason to dispute that the clock-in information  
22 here is incorrect?  
23 A No.  
24 Q Okay. And then it also has clock-in



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1 information for the 9th, 12th and 13th of  
 2 September, 2013, correct?  
 3 A Correct.  
 4 Q Do you have any reason to dispute the time  
 5 card information for those dates listed in this  
 6 report?  
 7 A I do not.  
 8 Q Okay. So looking at this, does this  
 9 refresh your recollection of whether you worked at  
 10 the hospital on the day you provided Ms. Bruno with  
 11 notice that you were accepting a new position?  
 12 A Yes.  
 13 Q Okay. So my question to you, sir, is if  
 14 you worked the same day you provided Ms. Bruno with  
 15 notice, why did you deny that you had a position at  
 16 OVMC that you could resign from?  
 17 MS. WELLING: Object to form. You can  
 18 answer.  
 19 A Because when I signed on at OVMC, my FTE  
 20 was .9 hours, which was guaranteed 36 hours a week as  
 21 a registered nurse. And at that time I was not  
 22 guaranteed my 36 hours a week as a registered nurse.  
 23 Q So your position is because you weren't  
 24 getting the guaranteed hours, you were no longer

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1 employed?  
 2 MS. WELLING: Object to form.  
 3 A I was not getting my guaranteed hours, nor  
 4 was I acting as a registered nurse.  
 5 Q I understand. But you were still doing  
 6 work and getting paid for it, correct?  
 7 A I was not getting my guaranteed 36 hours,  
 8 nor was I being a registered nurse, which I signed on  
 9 for.  
 10 Q I understand. You've said that several  
 11 times. My question is that as of the date you  
 12 provided notice to Ms. Bruno, you were performing  
 13 some work for OVMC and being compensated for that  
 14 work?  
 15 A But not the work that I was guaranteed when  
 16 I signed on for.  
 17 Q Did you sign a contract?  
 18 A Whenever I signed on, it was agreed that my  
 19 FTE would be .9, which is 36 hours a week, and I was  
 20 not receiving those 36 hours a week. So the  
 21 financial compensation in hours that I was receiving  
 22 at that point in time was not adequate.  
 23 Q I understand that. It still doesn't answer  
 24 my question. Let me think of how to rephrase it.

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1 Let me ask this. Whenever you provided --  
 2 when you talked to -- excuse me, whenever you  
 3 notified Ms. Bruno on September 13th, 2019, that  
 4 you were accepting a position somewhere else, do you  
 5 know whether you were scheduled to work in any  
 6 capacity at OVMC anytime after that date?  
 7 A No, there was no set schedule at that point  
 8 in time.  
 9 Q How was it communicated to you whether you  
 10 would work at a specific date or time?  
 11 A It was going day by day at that point.  
 12 Q I understand. How would somebody reach out  
 13 to you on any given day then and tell you that there  
 14 was work or no work?  
 15 A Our charge nurses would call us and inform  
 16 us.  
 17 Q Do you remember the last date that there  
 18 was a patient in the ICU?  
 19 A I do not recall.  
 20 Q Was there a patient still in the ICU as of  
 21 the 13th of September?  
 22 A There was not.  
 23 Q And you had stated that you weren't  
 24 performing your RN duties. What duties were you

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1 performing, say September 13th, 2019?  
 2 A Miscellaneous jobs.  
 3 Q Can you give me any details what those  
 4 miscellaneous jobs entailed?  
 5 A Packing up equipment. At one point I was  
 6 allowed to go to medical records and transfer medical  
 7 records on the CDs for patients of the hospital.  
 8 Q Do you remember when you started performing  
 9 those miscellaneous tasks instead of RN duties?  
 10 A It was about the end of August, I believe,  
 11 whenever they shut down medical services at the  
 12 hospital.  
 13 Q At some point did you ever after -- after  
 14 the announcement was made in August of 2019 that the  
 15 hospital would close, do you remember if you floated  
 16 to any other departments?  
 17 A Can you repeat that question, please?  
 18 Q Yes. After you received notice that the  
 19 hospital was going to close in August of 2019, do you  
 20 remember if --  
 21 MS. WELLING: --  
 22 Sorry to interrupt (indistinct).  
 23 MS. THOMPSON: No, it's okay.  
 24 It's gone now. I don't know where it

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1 went.  
 2 BY MS. THOMPSON:  
 3 Q I was just trying to find out if you  
 4 remember specifically floating to other departments  
 5 after August 7th, 2019.  
 6 A I do not specifically recall.  
 7 Q Was there ever a time in August or  
 8 September of 2019 that you worked at EORH?  
 9 A No.  
 10 Q Do you remember what point in 2019 you  
 11 believe your hours went below 36 hours a week?  
 12 A When they shut down medical services at the  
 13 hospital.  
 14 Q And do you recall when that happened?  
 15 A I don't remember the exact date. I just  
 16 remember the time frame of it being towards the end  
 17 of August, beginning of September.  
 18 Q Okay. And you had explained to me how the  
 19 scheduling worked with the filling in and the tiers  
 20 -- strike that. Did you speak to anyone in  
 21 management about scheduling or hours after  
 22 August 7th, 2019?  
 23 A The only person that I can recall is Carol  
 24 Moscato, who handled our schedules.

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1 Q Okay. What do you remember talking to  
 2 Carol Moscato about your schedules about?  
 3 A I do not recall exact conversations.  
 4 Q Do you remember how many times you would  
 5 have talked to her about scheduling?  
 6 A I don't remember the exact number, but it  
 7 was pretty regularly.  
 8 Q Do you remember at what point you stopped  
 9 using the scheduling system you described to me,  
 10 filling in the times, and when it changed to be a  
 11 more day by day?  
 12 A I do not recall.  
 13 Q Did you participate in any sort of  
 14 wind-down services, cleaning or organizing, in any  
 15 department other than the ICU and those medical  
 16 records you spoke of?  
 17 A Can you repeat that question? I'm sorry.  
 18 Q Yes. You had testified that you had done  
 19 some cleaning up in the ICU, correct?  
 20 A Correct.  
 21 Q And then I believe you testified that you  
 22 had done some work in the medical records department?  
 23 A Correct.  
 24 Q Okay. Did you participate in the wind-down

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1 or cleaning or organization of any other department  
 2 besides the ICU and medical records?  
 3 A Not that I recall.  
 4 Q Do you know when the last patients were in  
 5 any department other than the ICU?  
 6 A I don't recall the exact date.  
 7 Q Did you have any interaction with any of  
 8 the employees who provided outpatient services at the  
 9 hospital?  
 10 A Not that I recall.  
 11 Q So would you have any personal knowledge of  
 12 when any outpatient services ceased?  
 13 A Not that I recall.  
 14 Q And would you have any personal knowledge  
 15 of when the departments that do not provide any  
 16 patient services, when their wind-up or processes  
 17 would have ended?  
 18 A I do not know.  
 19 Q Okay. Have you ever heard that there is an  
 20 employment category for some employees at OVMC that's  
 21 called "casual employment"?  
 22 A I'm aware of the term.  
 23 Q Okay. Were you a casual employee?  
 24 A No, I was a full-time employee.

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1 Q Okay. Did you personally know anybody who  
 2 had casual employment at OVMC?  
 3 A Not that I recall.  
 4 Q Were you aware that there was a per diem  
 5 employee category?  
 6 A I'm familiar with the term.  
 7 Q Okay. Do you have personal knowledge of  
 8 anyone who worked for OVMC in a per diem capacity?  
 9 A Not that I recall.  
 10 Q Were you aware that there is a temporary  
 11 employee classification?  
 12 A I'm not too familiar with the temporary.  
 13 Q Okay. What about contingency basis?  
 14 A I'm not familiar with that.  
 15 Q Okay. Do you know -- do you have personal  
 16 knowledge of any employees who were part-time workers  
 17 in the ICU?  
 18 A I don't remember exactly other people's FTE  
 19 or job status.  
 20 Q When you say FTE, what do you mean?  
 21 A FTE is based upon full time, part time, and  
 22 per diem. Full-time employees are .9, part-time  
 23 employees are .6, and then your per diem or casuals  
 24 are .1 or .3. I can't remember those numbers. I was

Page 61

1 never involved in that.

2 **Q Understood. Would you have known the**

3 **schedules of any of the other RNs in the ICU besides**

4 **your own?**

5 A No.

6 **Q Would you have known how many hours any,**

7 **let's say, other RNs assigned to the ICU worked after**

8 **August 7th, 2019?**

9 A I do not.

10 **Q Do you have any knowledge of any other**

11 **employees' schedules after August 7th, 2019?**

12 A I do not.

13 **Q After August 7th of 2019, were you**

14 **personally aware of any other employees at OVMC who**

15 **were applying for other jobs?**

16 A I don't remember exactly who was doing

17 what.

18 **Q Do you remember if you talked to anybody**

19 **about putting in -- any other OVMC employees about**

20 **applying for other jobs?**

21 A Not specifically.

22 **Q So do you have -- while -- after**

23 **August 7th of 2019, did you have any awareness of**

24 **what other OVMC employees were doing in terms of job**

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1 **search?**

2 A I don't remember specifically who was doing

3 what.

4 **Q Do you remember if there were any job fairs**

5 **held at OVMC in August?**

6 A There was. There was a job fair, I

7 remember.

8 **Q Did you attend that job fair?**

9 A I did.

10 **Q Okay. Do you remember whether or not there**

11 **were any meetings held at OVMC regarding unemployment**

12 **compensation?**

13 A I do not recall.

14 **Q Do you have any personal knowledge of**

15 **employees using banked PTO or PT days so they**

16 **wouldn't have to come in to work in August or**

17 **September of 2019?**

18 MS. WELLING: Object to form.

19 A The only knowledge I have is my own, about

20 my own PTO.

21 **Q Do you have any personal knowledge of**

22 **anybody who retired in August or September of 2019?**

23 A Not that I personally recall.

24 **Q Okay. Do you have any personal knowledge**

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1 **of anybody who started -- who -- let me rephrase**

2 **that. Let me think. Do you have any personal**

3 **knowledge of anyone who worked at OVMC who started a**

4 **new job in August or September of 2019 besides**

5 **yourself?**

6 A Not specific employees, no.

7 **Q Do you have any personal knowledge of any**

8 **local health care providers reaching out to OVMC**

9 **employees to try to get them to apply at their place**

10 **of business?**

11 A The only thing that I can remember is some

12 of the employers that came to our job fair.

13 **Q Okay. Do you remember any health care**

14 **providers -- like doctors or physicians, do you**

15 **remember whether any of them left the hospital in**

16 **August or September of 2019?**

17 A I do not recall.

18 **Q Did you ever talk to any of the patients**

19 **that you saw about the closure of the hospital?**

20 A No.

21 **Q And I think you said you had also worked**

22 **with patients' families. Did you ever speak to any**

23 **patients' families about the closure of the hospital?**

24 A No.

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1 **Q Did you have any sense of how the news that**

2 **the hospital was going to close was received in the**

3 **local Wheeling community?**

4 A Can you rephrase that question, please?

5 **Q Sure.**

6 A Thank you.

7 **Q After the announcement -- public**

8 **announcement was made on August 7, 2019, did you feel**

9 **that you were aware of any response by the community**

10 **to that announcement?**

11 A The overall general consensus was a lot of

12 stress and frustration.

13 **Q Was that something that was shared by the**

14 **employees?**

15 A Yes.

16 **Q Did you have any awareness of the response**

17 **of the businesses that OVMC uses, vendors, in**

18 **response to the announcement on August 7, 2019, that**

19 **the hospital would close?**

20 A I do not have any recollection of what that

21 would be.

22 **Q Okay. Other than the job fair, do you**

23 **remember any other employee meetings in August or**

24 **September of 2019 related to the closure that you**

Page 65

1 attended?

2 A No, I don't believe I attended any employee

3 meeting.

4 Q Were you aware that there were employee

5 meetings being held?

6 A Through some of the emails, yes.

7 Q Do you recall if there was ever a meeting

8 in which there was training about how to submit an

9 application or write a resume?

10 A I do not recall that.

11 Q Do you know of anybody else who works at

12 WVU Hospital in Wheeling where you work that

13 previously worked with you at OVMC?

14 A I do.

15 Q Okay. Who are those people?

16 A There is somebody I work with now that I

17 worked with in the ICU. His name is Brian Givens.

18 He is another registered nurse.

19 Q Do you have any sense of when Brian Givens

20 began working at WVU Medicine?

21 A I do not recall. I just know that it was

22 after me.

23 Q It was after you, okay.

24 A And did you want any more names? I'm

Page 66

1 sorry.

2 Q Oh, yeah, if you have other names. I

3 thought he was the only one.

4 A No. No.

5 Q If you have others than Mr. Givens, please

6 tell me.

7 A Okay. There was Emily Wines, who worked

8 with me in the ICU as well.

9 Q Okay. Do you know when Ms. Wines began

10 working there?

11 A I do not. I do know that it was just after

12 me as well.

13 Q You say just after you. Do you mean just

14 as in it was after you, or just as in to suggest a

15 time period?

16 A No specific time period. She just started

17 after I did.

18 Q Okay. Thank you for clarifying.

19 A You're welcome.

20 Q Besides those two, anyone else?

21 A There are other employees that worked on

22 other units that also started working at Wheeling

23 Hospital that I did not specifically work with in the

24 ICU.

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1 Q Did any of those people to your knowledge

2 start working at WVU Medicine before you did?

3 A I don't recall.

4 Q WVU Medicine didn't reach out to you,

5 correct, about a job?

6 A No, they did not.

7 Q Were you aware if they reached out to

8 anyone else about a job?

9 A I do not know.

10 Q If you had had a question about your

11 paycheck, for example, where would you have gone to

12 ask that question while you were working in the ICU?

13 A The payroll department.

14 Q And that's located on the hospital campus?

15 A Yes.

16 Q If you had had an issue with another

17 employee, where would you have gone to report that?

18 A Either to my manager or HR.

19 Q And I believe you said your manager was

20 Ms. Bruno; is that correct?

21 A That is correct.

22 Q Okay. And then is HR also something that's

23 housed in the hospital complex?

24 A Yes. That is our human resources

Page 68

1 department.

2 Q Do you know who was above Cindy Bruno in

3 the chain of command?

4 A That would be our director of nursing, and

5 our director of nursing at that point -- I believe

6 her name was Lynn Bertrand maybe? Bertrand?

7 Q Lynette Debertrand?

8 A Yes. That is it.

9 Q Nailed it. Okay. And was Ms. Bertrand

10 someone that was located in the hospital complex as

11 well?

12 A I believe so, yes.

13 Q In your career at OVMC, did you ever

14 personally talk to Dan Dunmyer?

15 A Not personally, no.

16 Q Okay. In your OVMC career, did you ever

17 personally talk to Jennifer Coello?

18 A I don't think I know who that is.

19 Q Okay. How about this. In your OVMC

20 career, did you ever personally speak to Lynn

21 Debertrand?

22 A Not that I can specifically recall, no.

23 Q In your OVMC career, did you ever

24 personally speak to a man named Michael Sarrao?

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1 A I do not recall who that is.  
2 Q Okay. In your OVMC career, do you remember  
3 ever personally speaking to a man named Lex Reddy?  
4 A No, I do not.  
5 Q In your -- I got two more. In your OVMC  
6 career, do you ever remember talking to a man named  
7 Mark Bradshaw?  
8 A I do not.  
9 Q Last one. In your OVMC career, do you ever  
10 remember talking to a man named Roger Krissman?  
11 A I do not.  
12 Q After September 13th of 2019, did you  
13 ever go back to the hospital complex at OVMC?  
14 A I do not believe I did, no.  
15 Q Okay. Did you play any role in some of  
16 those people we listed getting jobs at Wheeling -- at  
17 WVU Medicine in Wheeling, either Emily Wines, Brian  
18 Givens, or someone in another department besides ICU?  
19 A I personally did not, no.  
20 Q Okay. I'm going to introduce Exhibit 8,  
21 which is going to be Bates No. Defendants 93. I'm  
22 going to share my screen with you, sir. Let me know  
23 when you see a kind of purple document. It says at  
24 the top "Payroll Register Employee Detail."

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1 (Exhibit No. 8 was identified, marked for  
2 identification, and shared to the screen.)  
3 Do you see that?  
4 A I do.  
5 Q Okay. I'll represent that this is a  
6 Payroll Register that was provided in discovery --  
7 and there is a lot of them. I just picked out the  
8 ones that have your name on it, okay? So I want us  
9 to get familiar with this document, and then we'll  
10 talk about it. So at the top, this is for the pay  
11 period of 8/10/2019.  
12 A Uh-huh.  
13 MS. WELLING: Object to form.  
14 Q And down here it says "Earnings and Hours."  
15 Do you see the columns that say Earnings and Hours?  
16 A Correct.  
17 Q Okay. And then it lists different types of  
18 earnings next to hours, correct?  
19 A Correct.  
20 Q Okay. I'll represent to you that "reg"  
21 stands for regular hours. And it looks like for this  
22 time pay period, it lists that you worked 24 regular  
23 hours, 36.6 regular hours, and then 12 regular hours  
24 in this one pay period. Do you see where I'm

Page 71

1 referencing there?  
2 A I do.  
3 Q Okay. And then it has a breakdown of  
4 additional compensation and shift differentials that  
5 were paid to you. Does that look right?  
6 A Yes.  
7 Q Okay. And then over to the right it has  
8 total amounts of compensation and abbreviations for  
9 the deductions that were made. There's one for --  
10 says dental, there's FICA, Social Security Medical,  
11 there's a 401(k), and then West Virginia taxes. Do  
12 you see where I'm referencing on the side there?  
13 A Yes.  
14 Q Okay. I have a couple questions about  
15 this. Do you have any reason to dispute that you  
16 worked these number of hours that are listed in the  
17 column that says "hours" on this time card?  
18 A I don't believe so, no.  
19 Q Do you have any reason to dispute the  
20 compensation and deductions that are listed in the  
21 other columns of this time card?  
22 A Uh, no.  
23 Q I'm sorry. Were you thinking?  
24 A No. I'm just looking at the document.

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1 Q Oh, okay. Take your time.  
2 A No, I've just never seen it before, and I'm  
3 trying to process what I'm looking at.  
4 Q Yeah. Take your time.  
5 MS. WELLING: You might want to repeat  
6 your question, Chelsea.  
7 MS. THOMPSON: I will. I was waiting  
8 for him to look it over.  
9 Q My question is going to be: Do you have  
10 any reason to dispute the compensation amounts that  
11 are listed in this time card?  
12 A No.  
13 Q Okay. And it lists here -- if you see at  
14 the top it has a column titled "rate"?  
15 A Uh-huh.  
16 Q And then it lists down here a rate, next to  
17 your name, of 24.73. Would that -- would \$24.73, is  
18 that the rate that you had at the end of your  
19 employment at OVMC?  
20 A I believe that is correct.  
21 Q Okay. And then in the column next to it,  
22 it has a total amount for each of those types of  
23 hours that we listed earlier, correct?  
24 A Correct.



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1 Q Okay. I'm going to stop sharing. And we  
2 have a couple more of these time cards to go through.  
3 It's going to be the same process, so bear with me.  
4 My next exhibit is going to be Exhibit 9, it's Bates  
5 No. Defendants 14789.  
6 Let me share my screen with you, sir.  
7 You'll see same type of time card, but this is for  
8 the pay date that ended 8/30/2019, according to the  
9 document.  
10 (Exhibit No. 9 was identified, marked for  
11 identification, and shared to the screen.)  
12 Do you see that?  
13 A I do.  
14 Q Your name is listed second. If you could  
15 take a look at that and let me know when I can ask  
16 you my two questions.  
17 A Okay.  
18 Q Okay. It lists out the hours that you  
19 worked in that pay period, and then it also lists  
20 out -- it says "PTO-CURR" and lists hours. Do you  
21 recall taking PTO in the time -- in the pay period  
22 that would end 8/30/19?  
23 A Yes.  
24 Q Okay. Was that for vacation or something

Page 74

1 else?  
2 A I got married that week.  
3 Q Oh. That's nice. Okay. Do you have any  
4 reason to dispute that those are the hours that you  
5 worked for this time period?  
6 A I do not.  
7 Q And do you have any reason to dispute the  
8 compensation that you received in this time period?  
9 A I do not.  
10 Q Okay. Exhibit 10 is going to be Bates No.  
11 Defendants 834. Did you go on a honeymoon, sir,  
12 right after your wedding?  
13 A No.  
14 Q Did you get to go on one ever?  
15 A No.  
16 Q I'm sorry.  
17 Okay. I'm going to share my screen with  
18 you. Exhibit 10. This is another time card. This  
19 one is dated on its face 9/7/2019, correct?  
20 (Exhibit No. 10 was identified, marked for  
21 identification and shared to the screen.)  
22 A Yes.  
23 Q Okay. And you are second to last name  
24 here, if you want to take a look.

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1 A Yes.  
2 Q Okay. It lists here that there was also  
3 some PTO here. Was that for your wedding as well?  
4 A No, that time frame is not.  
5 Q Okay. Do you have any reason to dispute  
6 that these are the hours of PTO that you used for  
7 this pay period?  
8 A I do not.  
9 Q And do you have any reason to dispute that  
10 this is the compensation you received covering this  
11 pay period?  
12 A I do not.  
13 Q This says -- it has here what I believe --  
14 it says "shift differential." Did you receive shift  
15 differential pay?  
16 A That's what it states. I don't recall what  
17 it was for.  
18 Q Yeah, I'm asking more generally. How did  
19 shift differential -- like what would you do in order  
20 to get shift differential pay while you were working  
21 in the ICU?  
22 A I knew we got shift differential for night  
23 shifts and being floated to other departments, but I  
24 don't recall, you know, how much that compensation

Page 76

1 was.  
2 Q Okay.  
3 A And weekends. Weekends we also got a shift  
4 differential, I believe, if I remember correctly.  
5 Q Were you often working weekends?  
6 A It varied.  
7 Q Okay. Because I think -- remind me -- or  
8 correct me, you had said you worked different days of  
9 the week. It was always three days a week, but they  
10 would be different days?  
11 A That is correct.  
12 Q And you said you could work both days or  
13 night shifts, correct?  
14 A That is correct.  
15 Q All right. I'm going to introduce  
16 Exhibit 11, Defendants 1177. I'll share my screen  
17 with you, sir, the last one we have to do. This is  
18 the time card that on its face is dated 9/21/19,  
19 correct?  
20 (Exhibit No. 11 was identified, marked for  
21 identification and shared to the screen.)  
22 A Uh-huh.  
23 Q And then your name is second here. If you  
24 could look that over and let me know when we can talk



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1 about it.  
 2 A Okay.  
 3 Q All right. Do you have any reason to  
 4 dispute that this was the regular hours in PTO that  
 5 was -- that you worked or used in this pay period?  
 6 A That is -- appears to be correct.  
 7 Q Okay. And do you have any reason to  
 8 dispute the compensation that you received listed for  
 9 this pay period in this time card?  
 10 A I do not.  
 11 MS. THOMPSON: Okay. All right.  
 12 We're done with those. I believe if we take a five-  
 13 or ten-minute break, I'm pretty close to being done.  
 14 MS. WELLING: Okay.  
 15 MS. THOMPSON: Could we go off the  
 16 record?  
 17 VIDEOGRAPHER: The time is eleven  
 18 o'clock. We're going off the record.  
 19 (A recess was taken.)  
 20 VIDEOGRAPHER: The time is 11:12.  
 21 We're back on the record.  
 22 BY MS. THOMPSON:  
 23 Q Mr. Garan, you understand you're still  
 24 under oath even though we took a break?

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1 A Yes.  
 2 Q I just have a couple cleanup questions.  
 3 The first is, are you working at WVU Medicine  
 4 Wheeling full time?  
 5 A Yes, I am.  
 6 Q Do you receive any benefits through your  
 7 employment there?  
 8 A I do.  
 9 Q Do you receive health insurance?  
 10 A I do.  
 11 Q Do you receive vision or dental insurance?  
 12 A I receive both now.  
 13 Q Do you have a 401(k) plan there?  
 14 A I believe it's either a 401(k) or 403(b),  
 15 but it is a retirement plan.  
 16 Q Okay. Do you have any sort of flex  
 17 spending account or health expenses account?  
 18 A I do not.  
 19 Q Do you have any other benefits through your  
 20 employment at WVU Medicine Wheeling Hospital that we  
 21 haven't discussed?  
 22 A No.  
 23 Q Are you aware if there was any other work  
 24 to be done in the hospital after September 13th of

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1 2019 to wind up?  
 2 MS. WELLING: Object to form. Vague.  
 3 You can answer.  
 4 A The only work that I was aware of that I  
 5 was allowed to participate in was medical records or  
 6 cleaning and packing supplies.  
 7 Q I understand. Let me break that down then.  
 8 Were you aware that there was more medical records  
 9 work to be completed after September 13th of 2019?  
 10 MS. WELLING: Object to form. You can  
 11 answer.  
 12 A After that date, I am not fully aware if  
 13 there was any more medical records to be done or not.  
 14 Q Were you aware that there was a help list  
 15 that was circulated that people could add their name  
 16 to to work in other departments?  
 17 A Can you repeat that question? Sorry.  
 18 Q Yeah. Did you ever hear of something  
 19 called like a help list, where OVMC employees could  
 20 sign up to work in other departments during the  
 21 wind-down of the hospital?  
 22 A I'm not aware of that.  
 23 Q Oh, who is Janice Roberts?  
 24 A Janice Roberts is a friend of mine who is


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1 an employee -- who was an employee at OVMC.  
 2 Q What position did she hold at OVMC?  
 3 A Originally she worked on the telemetry care  
 4 unit as a bedside RN, but she had moved to care  
 5 management I believe it was at some point.  
 6 Q Okay. Do you remember having any  
 7 discussions with Janice Roberts about the closure of  
 8 the hospital?  
 9 A Yes.  
 10 Q Okay. What do you remember about those  
 11 conversations?  
 12 A Basically what our options were, what was  
 13 going on in general.  
 14 Q And what options did you discuss with  
 15 Janice Roberts?  
 16 A I recall specifically how it was difficult  
 17 to get a full amount of hours at the end of my  
 18 employment there.  
 19 Q Okay. Did you discuss with Ms. Roberts  
 20 about applying for other jobs?  
 21 A I don't recall specifically, but she is a  
 22 very close friend, so potentially yes.  
 23 Q Okay. Do you remember if you spoke with  
 24 either Brian Givens or Emily Wines about their

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1 applications or your applications to work at WVU  
2 Medicine Wheeling?  
3 A Not specifically.  
4 MS. THOMPSON: All right. I believe  
5 that's all the questions that I have. Your counsel  
6 might have questions for you, however.  
7 THE DEPONENT: Okay.  
8 MS. WELLING: Hold on just a second.  
9 We don't need to go off the record. Just hold on a  
10 second.  
11 I don't think we have any questions.  
12 We will read.  
13 VIDEOGRAPHER: With no further  
14 questions, the time is 11:18. We're going off the  
15 record. This concludes the deposition.  
16 MS. THOMPSON: Thank you, Mr. Garan.  
17 I appreciate it.  
18 THE DEPONENT: Thank you.  
19 (The court reporter asked counsel to  
20 specify her preferred order for the transcript.)  
21 MS. WELLING: Electronic is fine.  
22 (Signature having not been waived, the  
23 deposition of MARK GARAN was concluded at 11:18 a.m.)  
24

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1 STATE OF WEST VIRGINIA,  
2 COUNTY OF KANAWHA, to-wit:  
3  
4 I, Twyla Donathan, RPR, a duly commissioned  
5 Notary Public for the County and State herein, do hereby  
6 certify that the foregoing deposition of MARK GARAN was  
7 duly taken by and before me via Zoom Videoconferencing  
8 at the time and for the purpose specified in the caption  
9 hereof, the said witness having been by me first duly  
10 sworn.  
11 That the foregoing is a true, correct, and  
12 full transcript of the testimony adduced, as taken by me  
13 in stenographic shorthand notes and thereafter  
14 accurately transcribed;  
15 I further certify that I am neither attorney  
16 or counsel for, nor related to or employed by, any of  
17 the parties to the action in which this deposition is  
18 taken; and further, that I am not a relative or employee  
19 of any attorney or counsel employed by the parties or  
20 financially interested in the action; and that the  
21 attached transcript meets the requirements set forth  
22 within Article 27, Chapter 47 of the West Virginia Code.  
23  
24 IN WITNESS WHEREOF, I have hereunto set  
25 my hand and this 13th day of May, 2022.  
26  
27 *Twyla Donathan*  
28 TWYLA DONATHAN  
29 Registered Professional Reporter  
30 My commission expires September 11, 2022.  
31  
32 

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1 ACKNOWLEDGEMENT OF DEPONENT  
2  
3 I, MARK GARAN, do hereby acknowledge  
4 that I have read and examined the foregoing testimony,  
5 and the same is a true, correct and complete  
6 transcription of the testimony given by me, and any  
7 corrections appear on the attached Errata sheet signed  
8 by me.  
9  
10 \_\_\_\_\_  
11 (DATE) (SIGNATURE)  
12  
13 Subscribed to and sworn by me this \_\_\_\_\_  
14 day of \_\_\_\_\_, \_\_\_\_\_.  
15  
16 \_\_\_\_\_  
17 Notary Public  
18  
19 My commission expires \_\_\_\_\_  
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1 E R R A T A S H E E T  
2 IN RE: REED, ET AL, VS. ALECTO HEALTHCARE, ET AL  
3 RETURN BY: \_\_\_\_\_  
4 PAGE LINE CORRECTION AND REASON  
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24 (DATE) (SIGNATURE)